

GENERAL SERVICES ADMINISTRATION  
WASHINGTON, DC 20405

ADM 1020.1  
August 20, 1982

GSA ORDER

SUBJECT: Procedures for historic properties

1. Purpose. This order transmits procedures for complying with Federal regulations for the protection and enhancement of historic and cultural properties.
2. Cancellation. PBS 1022.1 is canceled.
3. Background. Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and Executive Order 11593 directed all Federal agencies to:
  - a. Administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations;
  - b. Initiate measures necessary to direct their policies, plans, and programs in such a way that federally owned sites, structures, and objects of historical, architectural, or archeological significance are preserved, restored, and maintained for the inspiration and benefit of the people;
  - c. Institute procedures, in consultation with the Advisory Council on Historic Preservation (16 U.S.C. 470i), to ensure that Federal plans and programs contribute to the preservation and enhancement of non-federally owned sites, structures and objects of historical, architectural, or archeological significance;
  - d. Locate, inventory, and nominate to the Secretary of the Interior all sites, buildings, districts, and objects under their jurisdiction or control that appear to qualify for listing on the National Register of Historic Places;
  - e. Exercise caution during the interim period until inventories and evaluations required are completed to ensure that any federally owned property that might qualify for nomination is not inadvertently transferred, sold, demolished, or substantially altered. Any questionable actions shall be referred to the Secretary of the Interior for an opinion respecting the property's eligibility for inclusion in the National Register of Historic Places. and

f. Initiate measures and procedures to provide for the maintenance, through preservation, rehabilitation, or restoration of federally owned and registered properties at professional standards prescribed by the Secretary of the Interior.

4. Applicability. This order applies to all GSA programs, activities, and actions that could effect historic and cultural properties. This order is for guidance of regional historic preservation officers and all other GSA personnel engaged in activities affecting properties.

5. Implementation. Heads of Central Office Services and Staff Offices shall forward a copy of their proposed plan to implement the provisions of this order to the GSA Historic Preservation officer for review and approval within 90 days of the effective date of the order. Responsibilities shall be established within each service's plan consistent with those established by this order.

RAY KLINE  
Acting Administrator

## ATTACHMENT

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# 1. General.

- a. The General Services Administration (GSA) as a real and personal property manager for the Federal Government is entrusted with the care of America's Federal buildings, their contents and their associated grounds. GSA is charged with the responsibility of providing satisfactory space and facilities for the Federal Government while managing, operating, maintaining, repairing, and improving these properties.
- b. Many properties under GSA's jurisdiction or control are Register or Register-eligible and many others are potentially eligible for listing in the National Register of Historic Places. GSA has an additional responsibility in the search for new space for its tenants to give priority to the use of buildings which have historic, architectural, or cultural importance. GSA manages both real property, such as Federal buildings, and personal property, such as the holdings of the National Archives and Records Service and fine and decorative art objects.
- c. Because of the importance of its properties in America's history and culture, GSA has the further obligation to ensure that these properties are managed, maintained, used, repaired and improved in a manner that will preserve those qualities which make them eligible for listing in the Register. This order is designed to ensure that each property under GSA jurisdiction or control is evaluated for its historical and cultural significance, and that the significant qualities of each property are considered by GSA in planning and conducting its activities.

## 2. Scope. This order provides guidance for the program operations of GSA which have direct or indirect responsibility for or control over any action, activity, or program which entails:

- a. Acquiring real and personal property;

- b. Directing Federal construction and the lease construction of space;
- c. Maintaining property, including but not limited to federally owned or administered real and personal property;
- d. Repairing, altering, and improving property, including but not limited to federally owned or administered real and personal property;
- e. Assigning space;
- f. Disposing of real and personal property;
- g. Proposing undertakings to the Congress for authorization of appropriations that could affect National Register or Register eligible properties; and
- h. Granting entitlements and permissions, including but not limited to leases, easements, and approvals.

### 3. Definitions.

- a. "Consultation" means the act of formally seeking advice or conferring with the appropriate State Historic Preservation Officer and the Advisory Council on Historic Preservation.
- b. "Council" means the Advisory Council on Historic Preservation, a board created by the National Historic Preservation Act of 1966. For consulting purposes, the Council retains staff for review and compliance in Denver, Colorado, and Washington, D.C.
- c. "Responsible Official" means the Head of a Service or Staff Office or Regional Administrator under whose jurisdiction an action is being planned, or his/her designee.
- d. "Consulting parties" means the appropriate State Historic Preservation Officer, the Regional Historic Preservation Officer, the GSA Historic Preservation Officer, and the Executive Director of the Council, and the responsible official.
- e. "Criteria for evaluation" means the criteria established by the Secretary of the Interior to evaluate properties to determine whether they are eligible for inclusion in the National Register of Historic Places (36 CFR 60.4).
- f. "Effect" means the extent of an undertaking's impact on an historic or cultural property as determined in accordance with the Council's "Criteria of Effect" (36 CFR 800.3).
- g. "Eligible property" means any district, site, building, structure, or object that meets the National Register's "Criteria for Evaluation." Properties that have been determined eligible have already achieved this status in accordance with the process outlined in 36 CFR 63.

h. "Discovery during implementation" means an unanticipated discovery of an historic or cultural property during the implementation of an undertaking which has already complied with section 106 of the NHPA, EO 11593, and 36 CFR 800. How these resources are to be handled is detailed in the Council's regulations (36 CFR 800.7), and in the National Park Service's proposed guidelines implementing (36 CFR 66) the Archeological and Historic Preservation Act.

i. "Historic and cultural property" means any building, site, district, structure, or object which has historic, architectural, archeological, or cultural importance. These classes of properties and their definitions are as follows:

(1) A "district," which means a geographically definable area, urban or rural, possessing a concentration, linkage, or continuity of sites, buildings, structures, or objects which are united by past events or aesthetically by plan or physical development. A district may also be composed of individual elements which are separated geographically but are linked by associations of history or architectural style.

(2) A "site," which means the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure whether standing ruins or represented only by subsurface remains, where the location itself maintains historical or archeological value regardless of the value of existing structures.

(3) A "building," which means a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. "Buildings" may refer to a historically related complex, such as a courthouse and jail or a house and barn.

(4) A "structure," which means an edifice, usually an engineering project, designed to aid human activities, such as bridges, canals, aqueducts.

(5) An "object," which means a material thing of functional, aesthetic, cultural, historical, or scientific value that may be by nature or design movable yet related to a specific setting or environment.

j. "Indian tribe" means any Indian tribe, band, nation, rancheria, pueblo, or other organized community, including any Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (85 Stat. 688), which is recognized by the Secretary of the Interior as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

k. "National Register," means the national register of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture maintained by the Secretary of the Interior under authority of section 2(b) of the Historic Sites Act of 1935 (49 Stat. 666, 16 U.S.C. 461) and Section 101(a)(1) of the National Historic Preservation Act.

l. "Register and Register-eligible property" means a district, site, building, structure, or object included in or determined eligible for inclusion in the National Register.

m. "State Historic Preservation Officer" (SHPO) means the official designated pursuant to 36 CFR 61, responsible for liaison with Federal agencies for implementation of the National Historic Preservation Act of 1966 as amended (1980), for the coordination of the statewide survey of historic and cultural properties, and the development of a comprehensive State historic preservation plan.

n. "Undertaking" means any direct Federal, federally assisted, or federally licensed action, activity, or program, or the approval, sanction, assistance, or support of any non-Federal action, activity, or program. Further elaboration of this definition is contained in 36 CFR 800.2(c).

o. "Undertaking's area of potential environmental impact" means that geographical area within which direct and indirect environmental effects could be expected to occur and thus create the potential to change the historical, architectural, archeological, or cultural qualities possessed by a historic and cultural property.

4. Authorities. This order is based on and implements the following laws, Presidential directives and regulations.

a. Antiquities Act of 1906 (Pub. L. 59-209; 34 Stat. 225; 16 U.S.C. 431 et seq.). The act provides for protection of historic or prehistoric remains or any object of antiquity on Federal lands; establishes criminal sanctions for unauthorized destruction or appropriation of antiquities; and authorizes scientific investigation of antiquities on Federal lands, subject to permit and regulations. Paleontological resources also are considered to fall within the authority of this act.

b. Historic Sites Act of 1935 (Pub. L. 74-292; 49 Stat. 666; 16 U.S.C. 4 61 et seq.). This act authorizes the establishment of National Historic Sites and otherwise authorizes the preservation of properties of national historical or archeological significance; authorizes the designation of National Historic Landmarks; establishes criminal sanctions for violation of regulations pursuant to the act; authorizes interagency, intergovernmental, and interdisciplinary efforts for the preservation of historic and cultural properties; and other provisions.

c. The National Historic Preservation Act of 1966, as amended (NHPA) (Pub. L. 89-655; 80 Stat. 915; 16 U.S.C. 470). The act establishes a positive national policy for the preservation of the cultural environment and sets forth a mandate for protection in section 106. The purpose of Section 106 is to protect properties listed in or eligible for listing in the National Register of Historic Places through Council review and comment on Federal undertakings that affect such properties. Properties are listed in the National Register or declared eligible for listing by the Secretary of the Interior. As developed by the Council's regulations, section 106 establishes a public interest process in which the

Federal agency proposing an undertaking, the State Historic Preservation Officer, the Council, and interested organizations and individuals participate.

d. The National Environmental Policy Act of 1969 (NEPA) (Pub. L. 91-190; 83 Stat. 852; 42 U.S.C. 4321 et seq.). This law declares the policy of the Federal Government to be the preservation of important historic, cultural, and natural aspects of our national heritage. Compliance with NEPA requires consideration of all environmental concerns during project planning and execution.

e. Executive Order 11593, "Protection of and Enhancement of the Cultural Environment." This order gives the Federal Government responsibility for stewardship of our Nation's historic and cultural properties. EO 11593 requires each Federal agency to identify all 'historic and cultural properties under its jurisdiction or control and to nominate all such properties that meet the National Register's "Criteria of Evaluation" for listing in the Register. Until these activities have been completed, agencies are directed to exercise caution to ensure that its historic and cultural properties are not inadvertently transferred, sold, demolished, or substantially altered.

f. An Act to Facilitate the Preservation of Historic Monuments and Other Purposes. (Pub. L. 94-519; 86 Stat. 503; 40 U.S.C. 484 (k)(3) and (k)(4).). This law authorizes the Administrator of General Services to convey, at no cost, National Register properties deemed appropriate by the Secretary of the Interior to local public bodies for historic monument purposes.

g. Archeological and Historic Preservation Act of 1974 (Pub. L. 93-291; 88 Stat. 174; 16 U.S.C. 869.). Amends the Reservoir Salvage Act of 1960 to extend its provisions to any alteration of the terrain caused as a result of any Federal construction project or federally licensed activity or program. In addition the act provides a mechanism to fund mitigation for the protection of historical and archeological data.

h. 36 CFR Part 800, "Protection of Historic and Cultural Properties." These regulations establish procedures for the implementation of section 106 of the NHPA.

i. Public Buildings Cooperative Use Act of 1976 (Pub. L. 94-541; 90 Stat. 2506, 40 U.S.C. 611) and Executive Order 12072 (Federal Space Management). The act encourages use of historic buildings as administrative facilities for Federal agencies and activities and requires GSA to give preferential treatment to important historic and cultural properties in the management of space needs; the Executive order directs Federal agencies to locate administrative and other facilities in central business districts.

j. American Indian Religious Freedom Act of 1978 (Pub. L. 95-341; 92 Stat. 469; 42 U.S.C. 1996). This act declares it to be the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indians, Eskimos, Aleuts, and Native Hawaiians.

k. Archeological Resources Protection Act of 1979 (Pub. L. 96-95; 93 Stat. 721; 16 U.S.C. 470 aa, et seq.). This law provides protection for archeological resources found on public lands and Indian lands of the United States. The act prohibits the removal of archeological resources on public lands and Indian lands without first obtaining a permit from the affected Federal land managing agency or Indian tribe. The act provides civil and criminal penalties for those who remove or damage archeological resources in violation of the act.

## 5. Responsibilities.

### a. All GSA services.

(1) Each service shall develop plans to implement this order. All existing GSA directives shall be reviewed and amended as necessary to provide for consistency with the requirements established by this order. Heads of Central Office Services and Regional Administrators shall take immediate steps to implement the provisions of this order. Heads of Central Office Services shall forward a copy of their proposed plans to implement the provisions of this order to the GSA Historic Preservation Officer for review and approval within 90 days of the effective date of this order. Responsibilities shall be established within each service's procedures consistent with those established by this order.

(2) It shall be the responsibility of each service within GSA to identify, evaluate, protect, and enhance all districts, sites, structures, buildings, and objects significant in American history, architecture, archeology, and culture. These historic and cultural properties include those properties which are listed in or previously determined to be eligible for listing in and those properties which may be eligible for listing in the National Register of Historic Places.

(3) Each service of GSA shall consider the needs of American Indians, Eskimo, Aleut, and Native Hawaiians in the practice of their traditional religions. To ensure the protection of Native American religious cultural rites and practices, religious leaders or other native leaders (or their representatives) shall be consulted concerning areas of the potential conflict arising from the management of properties under GSA jurisdiction or control and the means to reduce or eliminate such conflicts.

(4) Total avoidance of adverse effects shall always be attempted. However, when all factors related to an undertaking are evaluated from the standpoint of the overall public benefit, it is possible that some historic and cultural properties may be adversely affected. Whenever an undertaking would adversely affect an important historic or cultural property, all adverse effects shall be minimized to the extent that is feasible and prudent.

(5) Compliance with section 106 of the National Historic Preservation Act of 1966, Executive Order 11593, and the implementing regulations 36 CFR 800, shall be integrated with other environmental considerations under the National Environmental Policy Act of 1969 (NEPA) and 1502.25(a) of the Council on Environmental Quality's



regulations implementing the National Environmental Policy Act. Section 106 compliance will be completed by all services for each Register or Register-eligible property that may be affected by its undertakings even if an Environmental Impact Statement is not required by NEPA.

b. Commissioner, Public Buildings Service. The Commissioner, PBS, acts for the Administrator in all agency-wide historic preservation matters.

c. Director, Historic Preservation Staff. The Director acts as the GSA Historic Preservation Officer and is responsible for the implementation and direction of GSA's historic preservation program. The Director:

- (1) Reviews all historic preservation matters within GSA;
- (2) Coordinates all matters related to the protection and preservation of historic and cultural properties;
- (3) Reviews all materials and concurs on all actions related to compliance with 36 CFR 800.6 (c) and (d);
- (4) Submits GSA nominations to the Keeper of the National Register;

d. Regional Administrator. The Regional Administrator acts for the Administrator in all historic preservation matters within his or her region.

e. Regional Historic Preservation Officer (RHPO). The RHPO reviews, coordinates and oversees the execution of historic preservation programs for all services within the respective regions.

(1) The RHPO shall have a working knowledge of:

- (a) Architectural history, building systems, and the philosophies and techniques of historic preservation;
- (b) American cultural development and urban history, which are used to analyze, evaluate, and develop programs, projects and documentation regarding surveys of and planning for the management of regional GSA historic properties;
- (c) Technical and logistical requirements of field surveys for the purpose of resource identification and documentation, including technical skills in research and editing;
- (d) Technical literature (both standard and recent) in preservation and related fields;
- (e) Codified procedures, published rules and regulations and policies of Federal preservation programs, and an understanding of private or non-Federal programs and policies which may serve the objectives of historic preservation; and

(f) Existing and currently developing legislation on the State or local levels which relates directly or indirectly to historic preservation.

(2) The RHPO is responsible for all aspects of the regional professional evaluation of GSA properties in accordance with this order. The RHPO acts as liaison between the Regional Administrator and the GSA HPO and State and Federal agencies. In carrying out these duties, the RHPO is responsible for

(a) Consultation with the State Historic Preservation officers;

(b) Consultation with the Advisory Council on Historic Preservation under 36 CFR 800.6;

(c) Review of all services' undertakings and concurrence with all activities which may affect historic and cultural property.

(3) The RHPO or, at the discretion of the Regional Administrator, the responsible program official shall be responsible for initiation of consultation with the appropriate SHPO at the earliest appropriate stage in planning or in consideration of an undertaking before the occurrence of any action which may limit the formulation and consideration of alternatives or mitigation measures. The RHPO or the responsible program official shall initiate consultation by directly contacting the SHPO with jurisdiction over the area and inform the SHPO of the nature and scope of the proposed undertaking. Whenever any of the consultative parties determine that a GSA undertaking will affect a National Register or eligible property (see section 7), the RHPO or the program official shall initiate consultation with the Council immediately. Copies of all correspondence sent by the RHPO to the SHPO and the Council shall be simultaneously sent to the GSA HPO. All correspondence from the responsible program official to the SHPO or Council shall be acknowledged by the RHPO on the original.

(4) The RHPO is responsible for the review of all GSA owned or administered properties prior to transfer or sale. Section 2(f) of Executive order 11593 contains provisions prior to transfer or sale. Section 2(f) of Executive Order 11593 contains provisions which apply to the transfer or sale of Register and Register-eligible properties to other agencies or owners. If any Register or Register-eligible property is to be removed from the Government's jurisdiction or control which is subject to review under the Federal Surplus Property program, the RHPO shall notify the Council of the proposed transfer or sale and ensure that the provisions for the protection of the property have been integrated into the transfer or sale in conformance with the requirements of Section 2(f) of Executive Order 11593. Such provisions shall include mitigation of any adverse effects to Register and Register-eligible properties that might occur as a direct or indirect result of the transfer.

(5) The RHPO is responsible for reviewing and recommending acceptance of another Federal agency's compliance with Section 106 of the act and 36 CFR 800 where the review of another Federal agency's compliance documents indicate:

(a) The GSA undertaking is identical with the undertaking reviewed by another Federal agency under the Section 106 compliance process and the GSA undertaking will be carried out in accordance with the terms specified in the original section 106 compliance documents;

(b) The GSA undertaking is included within the Federal undertaking's area of potential environmental impact;

(c) The Federal agency's Section 106 compliance process is consistent with the requirements established by this order.

(i) The RHPO shall notify the SHPO and the GSA HPO concurrently of his recommendations to accept another Federal agency's compliance with applicable preservation laws and regulations and provide a copy of the agency's document where the finding occurs. The notice shall additionally indicate that GSA will undertake no further reviews under this order unless an objection is raised within 15 days.

(ii) If an objection is raised to the RHPO's recommendation to accept another Federal agency's compliance with Section 106, the RHPO shall consult with the GSA HPO to either remove the objection or proceed with compliance in accordance with the procedures specified in the following sections of this order.

(6) In the case of adverse effect determinations, the RHPO shall inform the GSA HPO, who is the designated representative of the Administrator to the Council, prior to contacting the Council.

(7) The RHPO shall provide copies of all correspondence concerning compliance with 36 CFR 800.6 to the GSA HPO.

(8) The RHPO and, at the discretion of the Regional Administrator, the responsible program official shall sign all Memoranda of Agreement.

(9) The RHPO shall be responsible for recommending that mitigation measures are implemented and shall recommend that:

(a) Mitigation studies, surveys, and planning are incorporated into the earliest stages of project planning;

(b) The required mitigation planning, studies, and surveys are adequately funded and scheduled for accomplishment concurrently with the planning of other project features; and

(c) Mitigation options are not foreclosed through tardy implementation;

(d) Mitigation measures are implemented prior to the time that any loss is incurred;

(e) Adequate funds for implementation and maintenance of mitigation measures are provided throughout the life of the undertaking.

6. Identification and evaluation of historic properties.

a. General. GSA shall identify all Register or Register-eligible properties and historic and cultural properties that appear to meet the 36 CFR 60.4 "Criteria" which are under its jurisdiction or control. Areas that may be affected by the policies, plans, programs, or other undertakings of GSA shall be examined for the presence of historic and cultural properties. Historic and cultural property surveys shall be completed for all real property under GSA's jurisdiction or control. Prior to authorization of any undertaking subject to review under this order, the RHPO shall investigate the area of potential environmental impact for the presence of historic and cultural real and personal properties. To accomplish such surveys, the RHPO shall conduct or cause to be conducted the appropriate identification study. Consultation with the SHPO and representatives of Native Americans (if affected) is required during the formulation of the study plans, during the study, and at the conclusion of the study. GSA conducts two levels of studies.

(1) Overview. An overview is an investigation of local, State, and national inventories and a field examination of the study area by a qualified professional. An overview determines what information already exists on the area under consideration and provides the basis for determining what additional information may be necessary to adequately inventory historic and cultural properties within the study area. The purpose of the overview is to identify Register, Register-eligible, and potentially eligible properties within the area of potential environmental impact.

(2) Evaluation.

(a) Evaluative study. An evaluative study is normally required to obtain sufficient documentation to apply the National Register Criteria (36 CFR 1202.6) to previously unidentified historic and cultural properties. An evaluative study includes an overview and an intensive examination of the study area. It is designed to provide sufficient information to make a professional evaluation of all historic and cultural properties within the study area. Once the study is completed, a copy shall be provided to the SHPO for consultation with the RHPO. A copy shall also be provided to any parties expressing an interest in the study area.

(b) National Register submissions.

(1) Formal determinations by the Keeper. If in the opinion of the RHPO or the SHPO the property appears to meet the criteria of eligibility for inclusion in the National Register, or if a question is raised concerning its eligibility by an interested party, the RHPO shall request a determination of eligibility from the Keeper of the National Register in accordance with 36 CFR 1204.

(2) Nominations to the National Register. All properties under GSA's jurisdiction or control determined eligible for inclusion in the National Register by the Keeper shall be nominated to the National Register. The RHPO shall prepare the necessary National Register nomination forms and provide them to the GSA HPO who shall examine the nomination forms for completeness and accuracy. The GSA HPO shall be responsible for signing and transmitting the materials to the Keeper of the National Register.

b. Property under GSA control.

(1) Real property. GSA shall prepare a Historic Structures Report for each Register or Register-eligible property under its jurisdiction or control. Historic Structures Reports shall be prepared in accordance with the Handbook, Procedures for Historic Properties, ch. 3, pt. 3 (PBS P 1022.2) and shall contain:

- (a) Historic and architectural investigation, unless previously conducted;
- (b) Materials conservation analysis; and
- (c) Parameters for conservation, maintenance, and rehabilitation.

(2) Historic Structures Reports. All reports shall be submitted to the GSA HPO, the relevant SHPO, and the Council for review and comment. Comments shall be submitted within 30 calendar days. All reports which have been approved by the GSA HPO, SHPO and the Council shall become a binding management plan for the property. From time-to-time it may become necessary to amend an existing approved Historic Structure Report to render it current with existing conditions. Any such amendments shall be developed in accordance with the criteria listed above and shall be submitted to the consulting parties for review and approval. Amended reports shall become effective upon approval by the consulting parties or within 30 calendar days of submittal for review.

(3) Personal property. GSA shall prepare a Historic Personal Property Report for each item of Register and Register-eligible personal property whenever an historic personal property will be affected by a GSA activity (e.g., routine maintenance, disposal, and warehousing). An Historic Personal Property Report shall be prepared in accordance with current professional standards for the class of object or materials affected and shall contain:

- (a) Property inventory and evaluation (see pars. 6 and 7 of this order);
- (b) Existing conditions analysis;
- (c) Materials conservation analysis; and
- (d) Parameters for conservation, maintenance, and rehabilitation.

(4) Historic Personal Property Reports. All such reports shall be submitted to the GSA

HPO, the relevant SHPO, and the Council for review and comment. All reports shall, when approved by the above parties, become a binding management plan for the affected properties. From time to time it may become necessary to amend an existing approved Historic Personal Property Report to update it to current conditions. Any such amendments shall be developed in accordance with the above-listed criteria and shall be submitted to the consulting parties for review and approval. Amended reports shall become effective upon approval by consulting parties or within 30 calendar days of submittal for review.

c. Direct and leased construction. All proposed sites for direct GSA and GSA-leased constructed space shall be investigated for the presence of historic and cultural properties. The RHPO shall determine the undertaking's area of potential environmental impact in consultation with the SHPO. The RHPO is responsible for the execution of all necessary identification studies and surveys to adequately discharge GSA's responsibility to identify historic and cultural properties within the area of potential environmental impact. (see Section 5e.)

d. GSA-leased and assigned space. The RHPO shall maintain a list provided by the SHPO containing all historic properties suitable for office space or other commercial usage. The RHPO shall request quarterly of the SHPO that the list be updated. All leasing requirements for new space or relocations shall be compared to the list presently on file with the RHPO to determine whether the requirement can be satisfied on a cost-effective basis by utilization of historic properties.

e. Disposal of real and personal property.

(1) Property under the control of GSA.

(a) Reporting historic and real properties excess. When all alternatives for fulfilling Federal space requirements, including adaptive use and reuse have been exhausted, and a GSA historic property is to be vacated, a copy of the Report of Excess shall be sent by the Space Management Division to the RHPO. The RHPO shall review the proposed excess action for the inclusion of Register or Register-eligible or potentially eligible property. When such a property is to be excessed, the established procedures regarding disposal of these properties shall be followed. (See subpar. 5e(4) and (5).)

(b) Reporting historic personal property excess. When GSA personal property is to be excessed, a copy of the Report of Excess shall be sent by the Administrative Services Division to the RHPO. The RHPO shall review the properties to be excessed to determine if any Register or Register-eligible or potentially eligible property is included in the proposed action. If any such property is to be excessed, the established procedures set forth in subpar. 5e(4) and (5) shall be followed.

(c) No undertaking which could alter, destroy, modify or relocate a historic or cultural property shall be initiated by GSA until the consultation process is completed pursuant to 36 CFR 800.6. The execution of a Memorandum of Agreement among the Council, the

SHPO, and GSA normally concludes the consultation process set forth in 36 CFR 800.6.

(2) Property under another agency's jurisdiction. This order is not intended to relieve any other Federal agency of its responsibility to comply with the applicable laws and regulations related to the identification and protection of historic and cultural properties. GSA shall not accept either real or personal property exceded by another Federal agency nor act as an agent for transfer or sale of such properties unless and until the agency has accomplished its responsibilities pursuant to the National Historic Preservation Act and Executive Order 11593 for the properties in question. Evidence that the Federal agency's National Historic Preservation Act and Executive Order 11593 responsibilities have been met for the property shall be indicated on the Standard Form 118 or 120. Federal agency real or personal property to be exceded that lack evidence of compliance with Executive Order 11593 and Section 106 shall remain in the possession of the holding agency until such evidence is provided to GSA. Once the holding agency has met its Executive Order 11593 and Section 106 responsibilities, copies of the report and appropriate attachments for properties which are or may be Register-eligible shall be sent to the RHPO, and the procedures established in subpar. 5e. (4) and (5) regarding disposal of Register or Register-eligible properties shall be followed. The responsible officials for Real and Personal Property Disposal shall ensure compliance with the provisions of this order for real and personal property.

#### 7. Determination of effect.

a. All undertakings that are in conformance with a Historic Structures Report or Historic Personal Property Report are automatically "no adverse effect" provided to the SHPO for review. The SHPO shall review the documents for conformity with the approved Historic Structure Report. If the SHPO determines that the proposed undertaking is not in conformance with an approved report, GSA shall either revise the proposed undertaking to make it conform to the approved report or initiate compliance in accordance with the following requirements of this order.

b. The Council's "Criteria of Effect" (36 CFR 800.3(a)) shall be applied to all properties listed in or determined eligible for listing in the National Register within an undertaking's area of potential environmental impact. The RHPO shall determine the effect of all GSA undertakings on Register or Register-eligible properties in consultation with the SHPO and those official representatives of Native Americans with interests in properties within the undertaking's area of potential environmental impact.

(1) Determination of no effect. Where it is determined that an undertaking will not affect Register or Register-eligible properties, the RHPO shall provide documentation to support the finding to the SHPO and the GSA HPO concurrently. Additionally, any representatives of Native Americans with interests in the properties within the area of potential environmental impact shall be informed of the effect determination. Unless the SHPO objects to the finding of "no effect" within 30 days, or other objections are raised, GSA may proceed with the undertaking.

(2) Determination of no adverse effect.

(a) If it is determined that there will be an effect on a Register or Register-eligible property, the RHPO, the SHPO, and any official representative of Native Americans with interest in properties within the area of potential environmental impact shall apply the criteria set forth in 36 CFR 800.3(b) to determine whether or not the effect will be potentially adverse. Undertakings which solely involve GSA administered or controlled properties and which have an approved Historic Structure Report or an approved Historic Personal Property Report that are to proceed in accordance with the approved Report shall be determined not adverse. (See a of this par.)

(b) If it is determined that the effect will not be adverse, documentation to support this determination will be sent to the SHPO and, where required, the Native American representative. The RHPO shall submit documentation to support the determination of no adverse effect (see 36 CFR 800.13(a)) along with the SHPO's and the Native American representative's comments through the GSA HPO to the Council. Unless the Council responds to the GSA HPO pursuant to 36 CFR 800.6(a), GSA may proceed with the undertaking without further consultation.

(3) Determination of adverse effect. If it is determined that an undertaking has the potential to adversely affect National Register and eligible properties or if the Council objects to a finding of "no adverse effect," the RHPO shall prepare the necessary documentation to be submitted to the Council in the form of a Preliminary Case Report (36 CFR 800.13(b)). The GSA HPO shall coordinate all contracts with the Council pursuant to 36 CFR 800.6(c) and (d) concerning adverse effect determinations. Any agreement pursuant to 36 CFR 800.6(b), (c), and (d) which has not been coordinated with the GSA HPO, whether originating internally within GSA or externally from the Council, shall not bind GSA.

(4) Relationship to NEPA review process. Compliance with the procedures stated in this order does not necessarily constitute compliance with NEPA. Conversely, the statutory provisions of NHPA must also be complied with separately and the inclusion of a section dealing with historic preservation in an Environmental Impact Assessment or Environmental Impact Statement does not automatically constitute compliance with this order. Whenever a GSA undertaking will affect a National Register or eligible property, the RHPO shall initiate consultation with the Council in either of the following two ways:

(a) Environmental Impact Statement (EIS) Required. Whenever a GSA undertaking requires the preparation of an EIS, the Council may be notified through the draft EIS. (See 36 CFR 800.9.). The draft EIS discusses, to the extent possible at the time of its issuance, the results of historic and cultural surveys and Historic Structure and Historic Personal Property Reports concerning the undertaking's area of potential environmental impact, the effect of the undertaking on all identified historic and cultural properties, and the appropriate documentation necessary to fulfill the requirements set forth in 36 CFR 800.13. When the draft EIS is to constitute notification of the Council, the transmittal



shall be sent concurrently to the GSA HPO, and the letter of notification shall clearly state that the draft EIS is being submitted to request the comments of the Council in accordance with the procedures and instructions within 36 CFR 800.6.

(b) Environmental Impact Statement Not Required. Whenever a GSA undertaking does not require the preparation of an EIS, but the undertaking could affect Register or Register-eligible listed properties, notification shall be accomplished by providing the Council with documentation, in accordance with the procedures and instructions within 36 CFR 800.6.

(c) EIS preparation. Any final EIS prepared pursuant to Section 102 (2) (c) of NEPA, in addition to identifying the adverse effects, shall, if appropriate, discuss alternatives considered and describe the mitigation plans developed in consultation with the SHPO, representatives of Native Americans, and the Council, even though a Memorandum of Agreement may not have been formally executed.

#### 8. Study of alternatives.

a. When a proposed undertaking has the potential to adversely affect historic and cultural properties, GSA shall take no action which could limit the consideration of alternatives and mitigation measures until the consultation process has been concluded. The execution of a Memorandum of Agreement among the Council, the SHPO and GSA normally concludes the consultation process. (See 36 CFR 800.6)

b. Whenever it is determined that an undertaking may have an adverse effect on a Register or Register-eligible property the RHPO shall, in consultation with the SHPO and the Council, conduct a study of alternatives pursuant to 36 CFR 800.6(b) to avoid the potentially adverse effect. Where a property has significance based on Native American religious or cultural rites and practices, GSA shall confer with representatives of the affected Native Americans to determine appropriate measures to protect and preserve Native American religious or cultural rites and practices. Alternatives that shall be considered are:

(1) Carrying out the proposed undertaking at a location that will eliminate or substantially reduce the potential to adversely affect historic and cultural properties (alternative locations);

(2) Conducting other undertakings, actions, activities, or programs with similar objectives which could avoid or substantially reduce the potential to adversely affect historic and cultural properties (alternative undertakings);

(3) Implementing other plans, designs, schemes, or concepts with similar objectives which could avoid or substantially reduce the potential to adversely affect historic and cultural properties (alternative designs); and

(4) Taking no action (no action alternative).

c. Avoidance of adverse effects through the selection of alternatives shall be, to the extent that it is prudent and feasible to do so, the preferred option for all GSA undertakings.

9. Mitigation measures.

a. Where alternatives to avoid adversely affecting historic and cultural properties are determined by the consulting parties not to be prudent and feasible, GSA shall develop measures to minimize the potentially adverse effect. Measures to mitigate adverse effects to National Register or eligible properties shall be developed in consultation with the Council and the SHPO. Where a property has significance based on Native American religious and cultural rites and practices, the RHPO shall confer with representatives of the affected Native Americans to determine appropriate measures to protect and preserve Native American religious or cultural rites and practices. Such measures may include:

- (1) Limiting the magnitude or extent of the proposed undertaking or identified alternatives;
- (2) Modifying the proposed undertaking through redesign, reorientation to the project site, and other similar changes;
- (3) Rectifying the potentially adverse effects by rehabilitation, repairing, or restoring the affected resources;
- (4) Compensating for the potentially adverse effects; for example, through the recovery and preservation of scientific, prehistoric, historic and archeological data; and
- (5) Minimizing the potentially adverse effects over time through preservation and maintenance activities throughout the life of the undertaking.

b. Mitigation measures shall be appropriate to the nature and importance of the historic and cultural properties in question. In all cases, there will be preservation of such physical features as may be prudent and feasible.

10. Procedures for emergency discovery situations. Should historic and cultural properties be discovered after compliance with this order and 36 CFR 800.6 is complete and during the implementation of an undertaking, the Secretary of the Interior shall be asked to investigate the discovery through the National Park Service (NPS) in order to determine the appropriate action. The investigation will be initiated within 48 hours of notification of the nearest office of NPS by the RHPO in accordance with Section 4(a) of the Archeological and Historic Preservation Act (16 U.S.C. 469(a)), as indicated in the Statement of Program Approach (44 FR 18117-19) and the NPS implementing regulations (36 CFR 66). Telephone notification followed by telegraphic abstract and request to NPS shall constitute notification. The SHPO and GSA HPO shall be notified by the RHPO concurrently with NPS. If the Secretary determines that the significance of the property, the effect, or any proposed mitigation measures warrant consideration by

the Council, the GSA HPO shall request the comments of the Council pursuant to 36 CFR 800.7(b).

11. Participation by interested parties. GSA encourages interested parties to participate in the processes established by these procedures. GSA has three basic objectives in soliciting the participation of parties interested in proposed undertakings and possible effects on historic and cultural properties. The first objective is to obtain any information that individuals, organizations, universities, agencies, tribal governing bodies, and so forth, may have available to assist GSA, the SHPO, and the Council in carrying out their responsibilities under historic and cultural preservation laws and regulations. The second objective is to make documents, materials, and other data available, to the extent possible, concerning the undertaking and the nature of its effect on historic and cultural properties. (The information made available to interested parties, however, need not include the specific location of certain properties if, by revealing the location, such properties could be subject to damage or degradation.) The third goal is to increase the involvement of interested parties in the review processes established in this order. GSA shall invite the participation of interested parties through its normal public notification processes.